

EXHIBIT C

TAMMY GILLETTE

<p>Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA</p> <p>---</p> <p>MATTHEW REYNOLDS, : NO.: 5:21-cv-01208</p> <p>: Plaintiff, :</p> <p>: v. :</p> <p>: WILLERT MFG. CO., LLC, :</p> <p>: Defendant. :</p> <p>---</p> <p>Friday, September 3, 2021</p> <p>---</p> <p>Oral deposition of TAMMY GILLETTE, held via ZOOM VIDEOCONFERENCE, commencing at 11:04 a.m., on the above date, before Masheka C. Pettiford, a Professional Shorthand Reporter and Notary Public in and for the Commonwealth of Pennsylvania.</p> <p>---</p> <p>BISNOW & JOSEPH COURT REPORTING 1518 Walnut Street - Suite 704 Philadelphia, Pennsylvania 19102 215-567-1701 Bisnowandjoseph@verizon.net</p>	<p>Page 2</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 LAW OFFICE OF STEVEN T. AUERBACH</p> <p>4 BY: STEVEN T. AUERBACH, ESQ.</p> <p>5 822 Montgomery Ave, Suite 210</p> <p>6 Narberth, PA 19072</p> <p>7 215-964-4410</p> <p>8 Auerbach.steven@gmail.com</p> <p>9 Counsel for Plaintiff</p> <p>10</p> <p>11 KAUFMAN, DOLOWICH & VOLUCK, LLP</p> <p>12 BY: EILEEN FICARO, ESQ.</p> <p>13 930 Harvest Drive, Suite 420</p> <p>14 Blue Bell, PA 19422</p> <p>15 215-461-1100</p> <p>16 Eficaro@kdvlaw.com</p> <p>17 Counsel for Defendant</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>						
<p>Page 3</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>---</p> <p>I N D E X</p> <p>---</p> <p>Testimony of: TAMMY GILLETTE</p> <p>By Mr. Auerbach.5</p> <p>---</p> <p>E X H I B I T S</p> <p>---</p> <table><thead><tr><th>EXHIBIT</th><th>PAGE</th></tr><tr><th>NO.</th><th>DESCRIPTION NO.</th></tr></thead><tbody><tr><td colspan="2">(No exhibits were marked.)</td></tr></tbody></table>	EXHIBIT	PAGE	NO.	DESCRIPTION NO.	(No exhibits were marked.)		<p>Page 4</p> <p>1 DEPOSITION SUPPORT INDEX</p> <p>2</p> <p>3 DIRECTION TO WITNESS NOT TO ANSWER:</p> <p>4 Page Line</p> <p>5 (None)</p> <p>6</p> <p>7 REQUEST FOR PRODUCTION OF DOCUMENTS:</p> <p>8 Page Line</p> <p>9 (None)</p> <p>10</p> <p>11 STIPULATIONS:</p> <p>12 Page Line</p> <p>13 5 2-11</p> <p>14</p> <p>15 QUESTION MARKED:</p> <p>16 Page Line</p> <p>17 (None)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
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TAMMY GILLETTE

<p style="text-align: right;">Page 5</p> <p>1 - - -</p> <p>2 MR. AUERBACH: There are four</p> <p>3 stipulations. One, the witness will have the</p> <p>4 opportunity to read the deposition, two, the</p> <p>5 witness will have the opportunity to make any</p> <p>6 corrections on an errata sheet, three, the</p> <p>7 witness will sign the deposition, correct or</p> <p>8 not, verifying its accuracy, four, all</p> <p>9 objections, except to the form, are reserved,</p> <p>10 and even if they are not made during this</p> <p>11 deposition are not waived.</p> <p>12 Eileen, is that your</p> <p>13 understanding?</p> <p>14 MS. FICARO: Yes.</p> <p>15 MR. AUERBACH: Would you swear in</p> <p>16 the witness please.</p> <p>17 - - -</p> <p>18 TAMMY GILLETTE, after having been</p> <p>19 duly sworn, was examined and testified as</p> <p>20 follows:</p> <p>21 - - -</p> <p>22 EXAMINATION</p> <p>23 - - -</p> <p>24 BY MR. AUERBACH:</p>	<p style="text-align: right;">Page 6</p> <p>1 Q. Ms. Gillette, good morning.</p> <p>2 Again, my name is Steve Auerbach. I represent</p> <p>3 Matthew Reynolds in a lawsuit that he filed</p> <p>4 against Willert. We are here today to take your</p> <p>5 deposition in connection with this lawsuit.</p> <p>6 Do you understand that you have</p> <p>7 an obligation to tell the truth today?</p> <p>8 A. Yes.</p> <p>9 Q. Do you also understand that you</p> <p>10 have an obligation to understand all questions</p> <p>11 asked of me and that if you don't understand an</p> <p>12 -- if you don't understand the question, you</p> <p>13 have an obligation to tell me you don't</p> <p>14 understand it?</p> <p>15 MS. FICARO: Objection to form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. AUERBACH:</p> <p>18 Q. Do you agree to tell me that if</p> <p>19 for whatever reason you don't understand the</p> <p>20 question, that you will tell me I don't</p> <p>21 understand the question?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Now I saw you before --</p> <p>24 you said yes, I saw you shake your head in the</p>
<p style="text-align: right;">Page 7</p> <p>1 affirmative. This is being written down, so I'm</p> <p>2 going to ask you to verbalize all answers with</p> <p>3 either a yes, no or other explanation but no</p> <p>4 uh-uhs. Even though I see you, I know what you</p> <p>5 mean. This is for the benefit of the record.</p> <p>6 A. Correct. Yes.</p> <p>7 Q. Have you ever been deposed</p> <p>8 before?</p> <p>9 A. Never.</p> <p>10 Q. There's a first time for</p> <p>11 everything. All right.</p> <p>12 What's your position?</p> <p>13 A. I'm the human resource manager.</p> <p>14 Q. How long have you had this</p> <p>15 position?</p> <p>16 A. Almost six years.</p> <p>17 Q. And do you have any degrees or</p> <p>18 certifications that assist you in this position?</p> <p>19 A. No, I do not.</p> <p>20 Q. Did you attend college?</p> <p>21 A. Yes, I did.</p> <p>22 Q. Did you obtain any degrees?</p> <p>23 A. I have a bachelor's degree, yes.</p> <p>24 Q. What is your bachelor's degree</p>	<p style="text-align: right;">Page 8</p> <p>1 in?</p> <p>2 A. Leadership and management.</p> <p>3 Q. From where?</p> <p>4 A. National Louis University.</p> <p>5 Q. And other than your bachelor's</p> <p>6 degree, do you have any other degrees?</p> <p>7 A. No, I do not.</p> <p>8 Q. Do you have any certifications?</p> <p>9 A. Yes.</p> <p>10 Q. What are those certifications in?</p> <p>11 A. That was my hesitation, because I</p> <p>12 knew you were going to ask me what they were. I</p> <p>13 don't remember exactly the title of all of them,</p> <p>14 but I've gone to different HR courses through</p> <p>15 the years and received different HR</p> <p>16 certifications for those courses. I just don't</p> <p>17 remember all the names of them. I apologize.</p> <p>18 Q. That's fine. And the instruction</p> <p>19 that I'm about to give you applies to this</p> <p>20 question and all other questions.</p> <p>21 If you remember -- because that's</p> <p>22 how memory works -- if you remember at any point</p> <p>23 later on today, just let me know and we can come</p> <p>24 back to that.</p>

2 (Pages 5 to 8)

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1 A. Okay.

2 Q. Okay. When was your -- so do you
3 recall the institutes or the organizations that
4 gave you this HR training?

5 A. Several of them have been threw
6 SHRM, which is an HR organization.

7 Q. Could you spell that?

8 A. Sure. It's just SHRM. It stands
9 for Society of Human Resource Management.

10 Q. And what was your most recent
11 training or certification with SHRM?

12 A. My most recent one was on the
13 changes with medical care because of COVID. It
14 had something to do with insurance -- medical --
15 something along those lines and how COVID plays
16 a factor in it because we are -- we just went
17 through the -- all the conversations to renew
18 our insurance plan.

19 Q. What other trainings and
20 certifications did you receive for SHRM, and I'm
21 asking for topics?

22 A. Right. So I periodically will
23 get just general -- go to their general HR
24 courses that they have updates on HR. I'm sure

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1 you're well aware of the fact that laws and
2 everything else continues to change, and so
3 periodically they just have courses on different
4 updates. Like, this one was on the medical
5 insurance because of COVID, so they would have
6 updates such as that. So there's been a lot of
7 stuff based on COVID in the last year that has
8 been the majority of what I've attended.
9 Anything related to COVID in the last year has
10 been my focus because that has created so many
11 things.

12 Q. Have you had any other focuses in
13 terms of education and development?

14 A. Yes. So there is -- Armstrong
15 Teasdale is a law office that is here in St.
16 Louis, and we are actually a client of theirs
17 and they have annual employment labor seminars
18 every year, and I attend those every year. And
19 then every so often there will be other ones
20 that pop up, so there is a group that's based in
21 St. Louis that is -- it's AAIM, and I apologize.
22 I don't remember what the letters stand for. I
23 know one of the A's is association, but they
24 have different webinars as well. Typically,

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1 those will be -- oh, my gosh. There's a wide
2 variety of those, so it could have to do with
3 unions, it could have to do with HR in general
4 and there's been some recently on recruiting so
5 those will be rather short, usually 45 minutes
6 to an hour but I've attended several of those in
7 the last year. And those have been primarily
8 the ones that I've attended in the last year.
9 So between SHRM, AAIM and then Armstrong
10 Teasdale in the last year, those have been my
11 focus.

12 Q. Who pays for your attendance?
13 Does Willert pay or do you pay?

14 A. Because we are a client, there
15 has been no cost.

16 Q. That's for Armstrong Teasdale;
17 right?

18 A. So for Armstrong Teasdale and for
19 AAIM, there's -- we use both of them, and so any
20 of those webinars that I've attended have been
21 at no cost to us. The SHRM ones -- I've been a
22 member of SHRM for many years, and so it's just,
23 again -- although I don't think that there would
24 have been a cost even if I weren't a member

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1 because SHRM does have a lot of webinars and
2 seminars that are free, so --

3 Q. Do you recall taking any webinars
4 or seminars on medical marijuana?

5 A. Not specifically medical
6 marijuana, no.

7 Q. Do you recall taking any webinars
8 or seminars on marijuana in general?

9 A. There has not been any seminar or
10 webinar that I have taken part of that that was
11 the only focus, but when they're providing
12 updates on here's what's going on in the
13 country, there has been a time information was
14 presented so it wasn't the only subject, but it
15 was one of several.

16 Q. And what information do you
17 recall being presented on medical marijuana?

18 A. I do recall that they talk about
19 the states that are implementing new medical
20 marijuana laws and the implication of what those
21 mean and that it appears as though as a country
22 we are moving towards more and more states
23 having the legislation of that. To give you any
24 more specifics it would be purely a guess.

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<p style="text-align: right;">Page 13</p> <p>1 Q. You said you've been a member of</p> <p>2 SHRM for years.</p> <p>3 Approximately how many years?</p> <p>4 A. I have been a member of SHRM off</p> <p>5 and on since, I believe, maybe around 2005.</p> <p>6 Q. So about 16 years?</p> <p>7 A. Off and on, yes.</p> <p>8 Q. Is that how long you've been</p> <p>9 working in HR?</p> <p>10 A. I've been in HR -- well, I should</p> <p>11 say doing HR functions for almost 30 years, yes.</p> <p>12 Q. And help me understand.</p> <p>13 What's the difference between</p> <p>14 being in HR and doing HR functions? What do you</p> <p>15 mean by that?</p> <p>16 A. So I initially -- I look at my</p> <p>17 inaugural role in HR is when I ran a parenting</p> <p>18 program, and I started running that program back</p> <p>19 in the early 1990s. So even though I did not</p> <p>20 have an HR title, I was responsible for hiring</p> <p>21 people and putting together information about</p> <p>22 what all of the employees were going to do. I</p> <p>23 wrote the grants, I set up a variety of things.</p> <p>24 My boss was the regional -- in the -- regional</p>	<p style="text-align: right;">Page 14</p> <p>1 superintendent of schools. And so between the</p> <p>2 two of us, we get that -- we put everything</p> <p>3 together, and I ran the program so I certainly</p> <p>4 did not have an HR title, but because I was</p> <p>5 responsible for the program and all of the</p> <p>6 people who worked in it, there were a lot of HR</p> <p>7 duties. Does that make sense?</p> <p>8 Q. Yes. And what are your duties at</p> <p>9 Willert as an HR manager?</p> <p>10 A. I typically tell people that if</p> <p>11 it involves an employee in any way, shape or</p> <p>12 form it involves me. So the life cycle of an</p> <p>13 employee from the recruiting, interviewing,</p> <p>14 hiring, to the discipline, termination, so</p> <p>15 everything that's involved in between.</p> <p>16 Enrolling of insurance, workers' comp, leave of</p> <p>17 absence, general things that come up on a</p> <p>18 regular basis, and I guess the best way to say</p> <p>19 it is other duties as assigned, such as COVID.</p> <p>20 Q. That's a lot?</p> <p>21 A. Yeah.</p> <p>22 Q. How many -- plus or minus. I</p> <p>23 don't need an exact number. If you do, I'll be</p> <p>24 impressed.</p>
<p style="text-align: right;">Page 15</p> <p>1 How many employees does Willert</p> <p>2 have?</p> <p>3 A. Approximately 250.</p> <p>4 Q. Does that include the Shanghai</p> <p>5 operation or is that just state-side.</p> <p>6 A. Just state-side, because I don't</p> <p>7 have any responsibilities for the Shanghai</p> <p>8 location.</p> <p>9 Q. Who's responsible at Willert for</p> <p>10 making sure that it's compliant with all</p> <p>11 antidiscrimination laws?</p> <p>12 MS. FICARO: Objection to form.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: I'm sorry.</p> <p>15 MR. AUERBACH: Our court</p> <p>16 reporter, could you please read that back.</p> <p>17 - - -</p> <p>18 (Whereupon, the pertinent portion</p> <p>19 of the record was read.)</p> <p>20 - - -</p> <p>21 MS. FICARO: I objected to the</p> <p>22 form but said you can answer.</p> <p>23 THE WITNESS: Okay. I'm sorry.</p> <p>24 I knew Eileen said something. Quite honestly, I</p>	<p style="text-align: right;">Page 16</p> <p>1 think there are several people who are involved</p> <p>2 in that process. I think that because I am over</p> <p>3 HR that a lot of people would say that it is my</p> <p>4 responsibility, but as I make sure that a lot of</p> <p>5 people know, we're all in this together. And I</p> <p>6 can coach, I can counsel. I do my part. I</p> <p>7 encourage all those sorts of things, but we all</p> <p>8 have to work together to make sure that every</p> <p>9 employee is treated with respect.</p> <p>10 Q. Does the buck stop with you in</p> <p>11 terms of compliance with all antidiscrimination</p> <p>12 laws?</p> <p>13 MS. FICARO: Objection to form.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MR. AUERBACH:</p> <p>17 Q. What kind of training does</p> <p>18 Willert give its plant managers to make sure all</p> <p>19 antidiscrimination laws are followed?</p> <p>20 A. Honestly, each person at Willert</p> <p>21 is able to take their own training. They don't</p> <p>22 have to go through me. I know that there is</p> <p>23 training that folks have taken, that folks do</p> <p>24 take. Outside training, in most instances, is</p>

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1 not something that we are requiring. We do
2 provide the general internal training. And as
3 I'm involved with various conversations with
4 people, I make sure that that's part of so many
5 conversations that I have with people. So kind
6 of an ongoing issue. Not something that's
7 handled at one -- oh, here today I'm going to
8 talk about this, then never again.

9 Q. What did you mean by the word
10 general internal training?

11 A. Because the general aspect is
12 that it's not just for one person. The internal
13 aspect is that they're not going outside. So,
14 for instance, I mentioned aspects of training
15 through SHRM for myself. So internal training
16 versus external training, general meaning, it's
17 going to be done with everybody and specifically
18 to what they're dealing with. So our plant
19 manager is going to be getting information from
20 a lot more points than what a supervisor who is
21 only over five people.

22 Q. Do you know whether or not
23 Willert gave Jack Bonsky antidiscrimination
24 training?

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1 A. I do not.

2 Q. Did he receive antidiscrimination
3 training by Willert?

4 A. I do not know.

5 Q. In the six years that you've been
6 with Willert, have you made Jack Bonsky attend
7 antidiscrimination training?

8 MS. FICARO: Objection to form.
9 You can answer.

10 THE WITNESS: Externally, no.
11 Internally through conversations that I have had
12 with him, that is the only thing that I know of,
13 so --

14 BY MR. AUERBACH:

15 Q. What type of conversations have
16 you had with Jack Bonsky about
17 antidiscrimination matters?

18 A. As I mentioned earlier, when
19 anybody is calling me from Pennsylvania and
20 asking a question about item X, here's what we
21 have going on, I always will handle it from the
22 point of view of -- all right. So let me make
23 sure I know the entire situation so I ask a lot
24 of questions, get as much detail as what I

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1 possibly can and then what's been done, you
2 know, what's been said, what's the history,
3 those sorts of things, and then it becomes a
4 matter of, all right, so legally we need to be
5 aware of this and we need to take these steps
6 and what is anybody else saying and what has
7 happened to anybody else. So it's very
8 important that we have consistency. I think one
9 of the issues that comes into play when you're
10 talking about discrimination is when -- if
11 you've got Tom, Dick and Harry and you treat
12 Tom, Dick and Harry all differently, that's when
13 you come into problems. And so it's important
14 to learn what's going on with everyone else,
15 making sure and providing that education of,
16 okay, so the laws say this, we have to do this,
17 have we done this, and in being consistent, we
18 need to do this. If it's never happened before,
19 okay, do we need to put a policy in place, is it
20 that important that it requires a policy, is it
21 just going to be a general practice because
22 consistency is key.

23 Q. I want to be fair in this
24 question. That's -- that is my intent, and I --

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1 this is what I heard you say. And if I'm
2 completely off base, I ask that you correct me.

3 What I'm hearing you say -- and
4 I'm just trying to understand -- is these
5 conversations that you're talking about, they're
6 after-the-fact conversations.

7 Is that what you're talking
8 about; someone's coming to you with an issue?
9 You are not talking about prophylactic,
10 preventative care?

11 MS. FICARO: Objection to form.
12 You can answer if you can.

13 THE WITNESS: There are -- I
14 would say it happens both ways, and some of that
15 depends upon what the situation is because I
16 guarantee you even though I've been doing HR
17 stuff for a long time, I haven't heard it all,
18 and I can't provide instruction on something
19 that I've never dealt with. So I will give
20 advice and give information in as much advance
21 notice as what I can, but for those instances
22 that seem to -- life provides, yeah, it has to
23 be after the fact because -- I mean, for
24 instance, with COVID and everything that has

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1 happened and all the things that have continued
2 to change and evolve, anything that we started
3 to put in place back in February has changed
4 many times because we didn't know how it was
5 going to evolve and we didn't know what was
6 going to happen. So when I am able to provide
7 information ahead of time, yes, that is done
8 but, unfortunately, you can't plan for
9 everything.

10 **BY MR. AUERBACH:**

11 Q. And when you say give information
12 -- and I appreciate no one could have
13 anticipated COVID. And you had to roll with the
14 punches and give information after the fact. I
15 appreciate that.

16 But when you use the words before
17 the fact, perhaps you didn't use those words --
18 and maybe I'm misremembering -- that's -- do you
19 mean by that general guidance in terms of
20 situations that a manager will face?

21 A. Are you talking about the
22 conversations that happened after the fact? Is
23 that what --

24 Q. No. Before. Do you recall any

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1 conversations with Jack Bonsky about any
2 antidiscrimination matters, general guidance
3 that you gave before an issue arose?

4 A. No, but I do know that Bryan
5 Willert and Brian Warner were having numerous
6 conversations with him. They were more involved
7 with him early on than I was. I cannot speak to
8 what those conversations were.

9 Q. Who is Brian Warner?

10 A. He's our CFO.

11 Q. And Bryan Willert, is he the
12 owner?

13 A. He is one of the owners.

14 Q. Who are the other owners?

15 A. Bill Willert.

16 Q. Bill Willert?

17 A. Yes. His legal name is William,
18 but he goes by Bill.

19 Q. Other than Bryan and Bill
20 Willert, any other owners that you are aware of?

21 A. Just their spouses are minor
22 owners.

23 Q. So this is a family business?

24 A. Yes.

Page 23

1 Q. What kind of supervision does
2 Willert give over its plant managers to make
3 sure that no discrimination takes place on its
4 premises?

5 A. I would be speaking out of turn
6 to answer that fairly, because I don't know.
7 I'm not privy to all of their conversations, so
8 I'm not going to put words in their mouth.

9 Q. What steps do you take to make
10 sure that your plant managers don't discriminate
11 against its employees?

12 A. So with the plant manager in
13 Kenova and St. Louis, they were in place before
14 I arrived, and so it was introducing myself and
15 I've made trips down to Kenova to make sure that
16 that plant manager and I established a
17 relationship. Obviously, I'm here in St. Louis,
18 so I have a relationship with the plant manager
19 here and we just have regular conversations.
20 Yeah, without a doubt several e-mails of here's
21 the situation, please call me. And a lot of
22 times they're very brief e-mails, and it will
23 just say please call me ASAP.

24 Q. What -- I'll be more specific.

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1 What steps do you take or have
2 you taken to make sure that Jack Bonsky doesn't
3 discriminate against his employees?

4 **MS. FICARO: Objection to form.**

5 **THE WITNESS:** So with Jack,
6 initially, when he was hired, it was -- there
7 were way more conversations in probably the
8 first month that he was there, might be three
9 weeks that Bryan and Brian were having with
10 Jack. And once Jack had been there for a few
11 weeks I had a verbal introduction through Ed
12 Kennet, and at that point, then, we -- we've had
13 conversations periodically on a variety of
14 topics and sometimes it'll be here's what's
15 going on, sometimes it'll be, hey, I just want
16 to keep in touch, so just periodic. I have not
17 yet met him. The only ones who are flying out
18 there are Bryan and Brian. So once we're past
19 the COVID hump and we're actually traveling,
20 then I will be out to Pennsylvania again. I've
21 not been to Pennsylvania or Kenova since all of
22 this, so I look forward to actually meeting him
23 at some point.

24 **BY MR. AUERBACH:**

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1 Q. So fair statement that you've
2 only had informal conversations with him?
3 **MS. FICARO: Objection to form.**
4 **THE WITNESS: Correct.**
5 **BY MR. AUERBACH:**
6 Q. Have you ever reviewed any of his
7 plant practices and procedures to make sure that
8 he doesn't discriminate against his employees?
9 **A. I've never seen anything in**
10 **writing.**
11 Q. But have you had -- during your
12 informal conversations, have you ever discussed
13 his policies and procedures to make sure that he
14 doesn't discriminate against his employees?
15 **MS. FICARO: Objection to form.**
16 **THE WITNESS: Yes.**
17 **BY MR. AUERBACH:**
18 Q. When have you had those
19 conversations?
20 **A. I honestly couldn't give you**
21 **dates. I couldn't even give you time lines, but**
22 **as things have happened in the plant or if**
23 **changes are coming, then we will have those**
24 **conversations.**

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1 **when you talk about being proactive versus**
2 **reactive. If I wait until they've done all the**
3 **hiring and then say, oh, that's not how we do it**
4 **in St. Louis, then shame on me. So it's --**
5 **talking to them about here's what's gone on in**
6 **St. Louis, here's how we've done things, is that**
7 **something that can work or will work in**
8 **Pennsylvania, what is your situation there, how**
9 **quickly are you hiring, you know. It's just**
10 **making sure that we're all aligned.**
11 Q. In line (sic) in terms of what?
12 **A. Aligned.**
13 Q. Aligned, yes. In terms of what?
14 **A. In terms of practices. So if I**
15 **am hiring -- well, I -- here in St. Louis we**
16 **have a very diverse workforce and we look for**
17 **that. So one of the things that was discussed**
18 **was what are -- what avenues are there in the**
19 **Doulassville area so that you can be hiring a**
20 **diverse workforce. That is something that the**
21 **Willert's want. That's what we put in the**
22 **practice here. So here are the places here in**
23 **St. Louis that I use, do you have any place like**
24 **that in Doulassville. And that makes sure that**

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1 Q. And what kind of conversations
2 have you had with Jack Bonsky about the changes
3 that were coming?
4 **A. So, as an example, when it was**
5 **known that there was going to be a lot of hiring**
6 **that was going to need to be done at the**
7 **facility, then we started having conversations**
8 **about, so, what's going on. And, honestly,**
9 **Debbie was also involved in those conversations.**
10 **She is HR out in Pennsylvania, and it's**
11 **important that all three of us are on the same**
12 **page. So we would just talk about so what are**
13 **we doing, they give me their ideas, and quite**
14 **honestly, they had some great ideas. They'd run**
15 **them past. Here's what we're going to do, what**
16 **are you guys doing in St. Louis, how does this**
17 **compare because we just need to make sure that**
18 **we're not doing two completely different things.**
19 **Even though it's the same company, we need to be**
20 **consistent.**
21 Q. What do you mean by that? What
22 was your concern in terms of doing two different
23 things?
24 **A. It's not a concern. It's really**

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1 **both areas are looking to hire a diverse**
2 **workforce.**
3 Q. And did the Doulassville
4 location end up hiring a diverse workforce?
5 **A. We -- yeah, definitely. It's not**
6 **as diverse as what St. Louis is because we have**
7 **-- yeah. In this -- I mean, we're in St. Louis.**
8 **You draw from what you've got and -- yeah, we**
9 **have quite a bit more diversity here than what**
10 **they do in Doulassville. If they were located**
11 **actually in Philadelphia, then I'm sure that**
12 **there would be even more of a diverse workforce,**
13 **but yes.**
14 Q. Diversity means different things
15 to different people.
16 You would agree that that
17 includes race?
18 **A. Oh, yeah.**
19 Q. Does your -- does your term of
20 diversity in workforce also include gender?
21 **A. Yeah.**
22 Q. Does it include handicapped
23 people?
24 **A. Yes.**

7 (Pages 25 to 28)

TAMMY GILLETTE

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1 Q. Does it include medical marijuana
2 patients?
3 A. Yes.
4 Q. Does Willert presently -- to your
5 knowledge, does Willert presently employ any
6 medical marijuana patients?
7 A. **Not that has been brought to my**
8 **attention, no.**
9 Q. So to your knowledge,
10 Mr. Reynolds was the only medical marijuana
11 patient?
12 A. Yes.
13 Q. In the six years you have been
14 with the company, have you been involved, in any
15 capacity, in formulating or crafting any
16 antidiscrimination policies?
17 A. No.
18 Q. Has anyone else at Willert, in
19 the six years you've been with the company, been
20 involved with formulating or crafting
21 discrimination policies?
22 A. No.
23 Q. In the six years you've been with
24 Willert, are you aware of any policy --

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1 antidiscrimination policies that change
2 throughout the year?
3 A. **In the last year I've been**
4 **working on a wide variety of policies, so they**
5 **have not come to -- they have not been**
6 **finalized, but I'm working on them.**
7 Q. What types of policies are you
8 working on creating?
9 A. **Well, the overall view of this is**
10 **to create a brand new rules and guidelines book.**
11 **We'll have one for each of the locations, and**
12 **then we have to have one that is specific to**
13 **unions. And it's looking at all of the policies**
14 **that are currently in there as well as ones that**
15 **are missing, that weren't even considered when**
16 **the last one was put together. So, for**
17 **instance, we're manufacturing and no one thought**
18 **to have a work-from-home policy until the last**
19 **year happened.**
20 Q. Understood. Are you updating any
21 of your policies on medical marijuana?
22 A. **That will be part of the new**
23 **substance abuse policy that we are working on.**
24 Q. What do you anticipate the new

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1 policy to be?
2 A. I'm sorry?
3 Q. What do you anticipate the new
4 policy will be on medical marijuana?
5 A. **Each of the states have different**
6 **conditions, which is why we will not have just**
7 **one rules and guidelines book. To include one**
8 **medical marijuana policy with all of the**
9 **different conditions would be stupid on my part.**
10 **So Kenova, West Virginia, doesn't have that.**
11 **Well, yet. Not in the sense that Pennsylvania**
12 **does. So Pennsylvania is very different than**
13 **the others, so I'm starting out with the crux of**
14 **the substance abuse policy as what it is now and**
15 **then looking at the state and what are the**
16 **conditions. I'm also looking at what's coming**
17 **down the pike to see if there is anything that**
18 **is changing. So Missouri, for instance, has**
19 **been -- there's been a lot of talk about what**
20 **we're going to do and so -- yeah. What do I**
21 **include, what do I anticipate. The final draft**
22 **of any of the policies are going to be reviewed**
23 **by our lawyers to make sure that I've not missed**
24 **anything in terms of the state laws. So I know**

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1 **that does not give you specifics, which is**
2 **probably what you want, but I do not want to**
3 **speak to something that has not been finalized**
4 **and put out there for all of the employees yet.**
5 **That would be speaking out of turn.**
6 Q. I understand. I certainly don't
7 want you to speak out of turn. In fact, I only
8 want you to speak in turn, in terms of things
9 you know about.
10 Have you ever been involved in
11 any capacity in administering training on
12 antidiscrimination policies at Willert?
13 MS. FICARO: **Objection on form.**
14 THE WITNESS: **Do I answer?**
15 MS. FICARO: **Yes, you can answer.**
16 THE WITNESS: **Okay. Every time**
17 **that I hire someone there is a discussion on**
18 **what we firmly believe here at Willert and what**
19 **I know that the Willerts expect of all of the**
20 **employees. Bill Willert started many, many**
21 **years ago bringing in a workforce that was not**
22 **all going to look the same, and it's important**
23 **to the Willerts to make sure that everyone is**
24 **treated with respect. And I have a very**

8 (Pages 29 to 32)

TAMMY GILLETTE

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1 in-depth conversation with all of the new hires,
 2 and periodically with employees, about respect
 3 and what that means in the workplace. And I
 4 know that you specifically asked me about
 5 discrimination, but my viewpoint and how I put
 6 it to everybody is that when there is respect,
 7 you don't have those other issues. I cannot
 8 treat you with respect and discriminate you at
 9 the same time, I cannot treat you with respect
 10 and be using profanity or harass you or any of
 11 those other things, and I go into those details.
 12 And I know that is the expectation of the
 13 Willerts, and so I make sure that everybody,
 14 regardless of their position here, understands
 15 the expectations are to treat others with that
 16 respect and, therefore, create an environment
 17 that's going to be free from all of those things
 18 that none of us wants, including discrimination.
 19 **BY MR. AUERBACH:**

20 Q. And have you been -- I understand
 21 your position on respect.
 22 Have you been involved in any
 23 kind of training at Willert on wrongful
 24 termination?

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1 everything that I'm here for is to make sure
 2 that things are done right.
 3 Q. Are you involved, in any
 4 capacity, in making sure that Jack Bonsky
 5 follows the law?
 6 A. Yes.
 7 Q. What is your involvement in
 8 making sure that Jack Bonsky follows the law?
 9 A. Again, the items that I have just
 10 talked about in terms of the respect, and how to
 11 treat the employees, about the documentation,
 12 things along those lines. We've had those
 13 conversations, but when I hear anything -- and
 14 this is not just with Jack. This could be with
 15 anybody who is in a supervisor capacity at any
 16 of the locations -- if I hear something of an
 17 issue I have an obligation to make sure that
 18 that is addressed. There are a variety of ways
 19 that it can be addressed, depending upon the
 20 situation with Mr. Bonsky because he is in
 21 Douglassville and partly because I've not met
 22 him yet. I have a conversation then with Bryan
 23 Willert and make him aware of anything that I
 24 might have heard, good or bad. Hey, Bryan, just

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1 A. How I have provided the training
 2 to the supervisors, I don't call it wrongful
 3 termination. What I talk to the supervisors
 4 about is being a good supervisor and what is
 5 involved in being a good supervisor. So, for
 6 instance, a good supervisor -- and back -- I
 7 just was having this discussion earlier this
 8 morning. A good supervisor is keeping notes
 9 about the good and the bad of employees and
 10 having conversations, having coaching sessions,
 11 however you want to phrase it about, hey, great
 12 job, I know you've been struggling with this,
 13 that was -- that was great, and I really
 14 appreciate it. But on the flip side, hey, your
 15 attendance is not where it needs to be, here's
 16 our expectations. You don't wait until you're
 17 at your boiling point to then have a discussion
 18 about the issues and terminating somebody. A
 19 wrongful termination only happens when you've
 20 been waiting for three years and you never said
 21 anything to the employee and then all of a
 22 sudden after three years of the employee doing
 23 this then you terminate. So why would I -- why
 24 would I focus on wrongful termination when

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1 want you to be aware of this. And if it is
 2 something that needs correcting, then my next
 3 question to Bryan is, is this something you want
 4 me to handle or would you like to handle it, and
 5 we go from there.
 6 Q. Ms. Gillette, I'm going to ask
 7 you a yes or no question. And if there's a need
 8 for elaboration, we'll handle it afterwards.
 9 Prior to October 2020, did you
 10 ever discuss with Mr. Jack Bonsky about the
 11 Pennsylvania Medical Marijuana Act?
 12 **MS. FICARO: Objection to form.**
 13 **THE WITNESS: No.**
 14 **BY MR. AUERBACH:**
 15 Q. Prior to October 2020, did you
 16 ever discuss with Mr. Jack Bonsky about medical
 17 marijuana patient discrimination?
 18 **MS. FICARO: Objection to form.**
 19 **You can answer.**
 20 **THE WITNESS: Sorry for the**
 21 **delay. No.**
 22 **BY MR. AUERBACH:**
 23 Q. Prior to October 2020, did
 24 Mr. Jack Bonsky receive any training about

9 (Pages 33 to 36)

TAMMY GILLETTE

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1 medical marijuana patient discrimination?
 2 **A. I don't know.**
 3 Q. Prior to October of 2020, did you
 4 give Mr. Jack Bonsky any training on medical
 5 marijuana discrimination?
 6 **MS. FICARO: Objection to form.**
 7 **THE WITNESS: No.**
 8 **BY MR. AUERBACH:**
 9 Q. I'm aware of three Willert
 10 plants: one in Pennsylvania, one in West
 11 Virginia one in Missouri.
 12 Did I miss any?
 13 **A. No, other than Shanghai.**
 14 Q. And you had said that St. Louis
 15 is your base?
 16 **A. Yes, headquarters.**
 17 Q. That's where you live, obviously?
 18 **A. I don't live in St. Louis, but I**
 19 **work here.**
 20 Q. But you live in Missouri?
 21 **A. I live in Illinois.**
 22 Q. How far of a commute do you have?
 23 **A. All depends on the bridge**
 24 **traffic, but it's typically 35 to 40 minutes.**

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1 Q. When we're done, I'm going to
 2 have to look at a map just so I can get
 3 oriented.
 4 And because you work in Missouri
 5 and for a company that has a base in Missouri or
 6 headquarters in Missouri, you are aware Missouri
 7 has a Medical Marijuana Patient Act?
 8 **A. Yes.**
 9 Q. And you are aware that West
 10 Virginia is a state that also has a Medical
 11 Marijuana Act?
 12 **A. Yes.**
 13 Q. And you're aware, obviously, that
 14 Pennsylvania has a Medical Marijuana Patient
 15 Act?
 16 **A. Yes.**
 17 Q. So you're aware that 100 percent
 18 of your US operations have states with Medical
 19 Marijuana Acts?
 20 **A. Yes.**
 21 Q. And as of right now, your company
 22 doesn't have any policies or procedures to
 23 protect medical marijuana patients?
 24 **A. Correct.**

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1 Q. If someone -- if one of your
 2 plant branch managers were to call you and say I
 3 have a patient -- and this happens today -- I
 4 have a patient -- I have an employee who just
 5 showed me a medical marijuana patient card,
 6 what's your next step?
 7 **MS. FICARO: Objection to form.**
 8 **THE WITNESS: Can I answer?**
 9 **MS. FICARO: Yes, answer. If you**
 10 **can, answer.**
 11 **THE WITNESS: My first question**
 12 **would be why did he or she show you the card,**
 13 **because it doesn't seem like somebody would just**
 14 **walk up to you and say, oh, hi. Look what I**
 15 **have, so, yeah. In my experience, anytime that**
 16 **somebody is coming up and volunteering something**
 17 **that's unique, there's got to be a reason for it**
 18 **so I'd say what happened, fill me in and then**
 19 **what would happen next would determine what I**
 20 **would do. What he -- he would say would**
 21 **determine what I would do.**
 22 **BY MR. AUERBACH:**
 23 Q. And what are the range of
 24 outcomes that you would do based on that

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1 information?
 2 **A. For sure I would get down to the**
 3 **nitty-gritty of -- I mean, did this person get**
 4 **hurt, is that why they're telling you, you know,**
 5 **that they just cut their finger off and they're**
 6 **like oh, well, maybe you should know I have a**
 7 **medical marijuana license. You know, so if it's**
 8 **something bad, well, let's get through the**
 9 **injury, make sure that everything is taken care**
 10 **of, make sure that this person gets the medical**
 11 **care and medical treatment, okay, do we have all**
 12 **the paperwork filled out, everything else.**
 13 **Because you have to deal with the crisis first.**
 14 **Once we have dealt with the initial crisis and**
 15 **everything that goes along with the workplace**
 16 **injury -- and I'm just using that because that's**
 17 **the example that I started out with -- then I**
 18 **start looking at, okay. So this person has a**
 19 **medical marijuana license, we're going to have**
 20 **to see if this -- in this situation this has any**
 21 **implication with the workers' comp insurance.**
 22 **It might. And then we start having**
 23 **conversations about what are the implications**
 24 **for the facility as a whole, what do we need to**

10 (Pages 37 to 40)

TAMMY GILLETTE

<p style="text-align: right;">Page 41</p> <p>1 be putting in place, what procedures, what 2 practices, what policies. And so there's a huge 3 trickle-down effect as to what started it and 4 where we end up being.</p> <p>5 Q. Can you envision a scenario that 6 does not result in a termination for a Willert 7 employee who is a medical marijuana patient?</p> <p>8 A. Yes.</p> <p>9 Q. What would be an example of that?</p> <p>10 A. Well, I'll use the example that 11 -- I'll just continue with the example. So this 12 person's finger got cut off. So at that point 13 we know that they're a medical marijuana user. 14 In our investigation, we find out that, I don't 15 know, it got cut off because -- can't even think 16 of how it would get cut off -- but it was of no 17 fault of their own kind, it was kind of one of 18 those freak accidents that do happen and we do 19 get a copy of the medical marijuana license. At 20 that point, the license had nothing to do with 21 the incident, their performance as an employee 22 has been good up to that point and that would be 23 a key factor.</p> <p>24 So if they've been a great</p>	<p style="text-align: right;">Page 42</p> <p>1 employee it's not, you know, day one on the job, 2 so to speak, we have a history, then I think 3 that at that point in time we would definitely 4 keep them as an employee, but that would also 5 factor in to any policy or procedures that would 6 be put in place as a result of that incident.</p> <p>7 Q. Willert has a zero tolerance drug 8 policy; does it not?</p> <p>9 A. For pre-hire, yes.</p> <p>10 Q. Do you recall approximately when 11 this policy was created?</p> <p>12 A. It was before I was here.</p> <p>13 Q. Has it been updated in any 14 meaningful sense since you have been there?</p> <p>15 A. I am working on it now. Again, 16 as discussed earlier, taking a look at the 17 different laws, I'm updating all the policy. 18 This is just part of it, yes.</p> <p>19 Q. Ms. Gillette, were I to represent 20 to you that Pennsylvania legalized medical 21 marijuana in 2016, would you have any reason to 22 doubt or dispute that assertion?</p> <p>23 A. Honestly, I know that the law in 24 Pennsylvania has gone through a few revisions,</p>
<p style="text-align: right;">Page 43</p> <p>1 and I don't know the years that they happened so 2 that would be my question, was the 2016 part. 3 So in terms of the doubt, it was just -- I know 4 that it's happened. I don't know what year.</p> <p>5 Q. But this drug policy hasn't 6 changed since Pennsylvania legalized medical 7 marijuana?</p> <p>8 A. Correct.</p> <p>9 Q. Any reason?</p> <p>10 A. Well, we did not acquire 11 Pennsylvania -- we didn't have them in 2016.</p> <p>12 Q. You acquired Pennsylvania in 13 2019?</p> <p>14 A. '19, yes.</p> <p>15 Q. Any reason why it didn't update 16 its policy since 2019?</p> <p>17 A. Updating the policy was -- 18 unfortunately, that was my major goal for last 19 year, and then COVID happened. So last year 20 after acquiring Pennsylvania is when it would 21 have initially been modified and have been put 22 in place. And once COVID happened and --</p> <p>23 - - -</p> <p>24 (Whereupon, an off-the-record</p>	<p style="text-align: right;">Page 44</p> <p>1 discussion occurred.)</p> <p>2 - - -</p> <p>3 THE WITNESS: Once COVID happened 4 everything changed for me, and I had three 5 states with employees living in an additional, I 6 believe, five states and my focus had to change 7 on learning everything that I could about what 8 the CDC was requiring, what each state was 9 requiring, and in some instances, the county was 10 requiring, making sure that we put practices in 11 place to physically keep our employees safe from 12 being exposed to the pandemic at work because 13 all of our facilities stayed open.</p> <p>14 So updating the rules and 15 deadlines took a very distant second place to 16 making sure I kept my employees safe and 17 protected them from potentially getting a lethal 18 virus.</p> <p>19 BY MR. AUERBACH:</p> <p>20 Q. Ms. Gillette, I -- I do 21 understand that.</p> <p>22 So just to summarize what I heard 23 you say is, it had been on the docket to update 24 these drug policies, but when COVID hit, COVID</p>

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1 had to be the priority?

2 **A. Correct.**

3 **MS. FICARO: Objection to form.**

4 **BY MR. AUERBACH:**

5 Q. When did you start the process of
6 working on updating Willert's drug policies?

7 **A. I actually started having**
8 **conversations in -- there we go -- there's some**
9 **training that I had started going to in 2019,**
10 **was on handbook and information that needs to be**
11 **in handbook. So I started attending seminars**
12 **and webinars and looking up information and**
13 **started actually working on that in late 2019.**
14 **We have access to something that's called Think**
15 **HR, and so the -- it's the database that has the**
16 **policy -- has, like, a handbook. You can modify**
17 **it, you change it, you update it so that it --**
18 **it's not a generic handbook. So I actually**
19 **started that in 2019 and was working through**
20 **some of what they actually had in their part,**
21 **then I was going to be adding things that were**
22 **specific to states and specific to Willert.**

23 Q. My question was specific to
24 medical marijuana.

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1 When -- on approximately what
2 date did you begin the process of updating
3 Willert's drug policies?

4 **A. Honestly, I don't have a date and**
5 **I don't know if that's even something that I had**
6 **done much progress on. I really have to look at**
7 **what I had gotten. As I said, it's kind of like**
8 **you can buy to do or you can -- you know, if you**
9 **want to write a blog, you can look up that**
10 **information, it can help you out and you fill in**
11 **the missing pieces, you update, you put in your**
12 **titles and that sort of thing, and that's kind**
13 **of what Think HR has for their handbook. So I**
14 **started at the beginning of that handbook and**
15 **was working my way through while I was attending**
16 **the webinars and the seminars and looking up**
17 **that information, and I -- I don't know --**
18 **honestly, I don't know if the substance abuse**
19 **and medical marijuana had been modified at that**
20 **point. I just don't know.**

21 Q. In 2019, did you know that
22 Willert needed to update Pennsylvania's medical
23 marijuana drug policies?

24 **MS. FICARO: Objection to form.**

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1 **THE WITNESS: I'm okay to answer**
2 **this?**

3 **MS. FICARO: Yes.**

4 **THE WITNESS: I knew in 2019 that**
5 **all locations' policies needed to be updated,**
6 **not just Pennsylvania.**

7 **BY MR. AUERBACH:**

8 Q. Did you have any conversations
9 with anyone at Willert that the drug policies
10 needed to be updated?

11 **A. Again, I knew that every policy**
12 **-- I did not specifically say that there's one**
13 **policy and only one policy that has to be**
14 **updated. My conversation was I need to update**
15 **the handbook and every policy that we have in**
16 **the company.**

17 **MR. AUERBACH: Okay. I did**
18 **promise you a bathroom break, so let's take that**
19 **now so we can do that. I have 12:14. Can we be**
20 **back at 12:19?**

21 - - -

22 **(Whereupon, a brief recess was taken.)**

23 - - -

24 **BY MR. AUERBACH:**

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1 Q. Ms. Gillette, did you have any
2 conversations about Mr. Reynolds' allegations
3 during our break?

4 **A. No, I did not.**

5 Q. Okay.

6 **A. The only ones I talked to were**
7 **our construction guys.**

8 Q. Does Willert have any policies to
9 ensure equal employment opportunities for
10 medical marijuana patients?

11 **A. We have a general Equal**
12 **Employment Opportunity clause that does not**
13 **specifically state that it applies solely to**
14 **medical marijuana, but it's EEO for all.**

15 Q. And does your -- I understand
16 that doesn't state the word medical marijuana
17 patient, but does your antidiscrimination policy
18 apply to medical marijuana patients?

19 **A. Yes.**

20 Q. Did it apply to patients --
21 medical marijuana patients in November of 2020?

22 **A. Those that we knew of.**

23 Q. Again, you are not a lawyer. I'm
24 not asking you for a legal definition. I'm

12 (Pages 45 to 48)

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1 asking you for your understanding of the term.
 2 What does the term medical
 3 marijuana patient discrimination mean to you.
 4 **MS. FICARO: Objection to form.**
 5 **You can answer.**
 6 **THE WITNESS: So, obviously, the**
 7 **medical marijuana patient is someone who has a**
 8 **legal right to a legal prescription from a**
 9 **doctor to be able to use it for whatever the**
 10 **medical purpose is, and discrimination would be**
 11 **if you look at somebody, and based solely and**
 12 **only on that factor, you make a decision about**
 13 **them.**
 14 **BY MR. AUERBACH:**
 15 Q. You've never met Mr. Reynolds;
 16 have you?
 17 A. That is correct.
 18 Q. Have you ever spoken to him on
 19 the phone?
 20 A. No, I have not.
 21 Q. So you've never seen him under
 22 the influence of any drugs?
 23 A. I have never seen him period.
 24 Q. And you are not aware of any

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1 complaints that he was high on the job?
 2 A. That he was high on the job; is
 3 that what you said?
 4 Q. Yes. Intoxicated. Under the
 5 influence of marijuana on the job.
 6 A. I had never heard that.
 7 Q. When did you become aware that
 8 Mr. Reynolds had failed his drug test?
 9 A. I don't know what the date was,
 10 but I believe it was the same date of the
 11 termination.
 12 Q. How did you become aware that
 13 Mr. Reynolds had failed his drug test?
 14 A. I received a phone call from
 15 Mr. Bonsky.
 16 Q. And what did Mr. Bonsky tell you?
 17 A. That Mr. Reynolds had tested
 18 positive for marijuana, and then I believe his
 19 next question was what do we do now.
 20 Q. How did you answer that question?
 21 A. Well, I hadn't seen any
 22 documentation, and so I asked him to send it to
 23 me. So while we were on the phone, he then
 24 forwarded the information to me so that I could

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1 review it. So bit of a pause so that I could
 2 take a look at it, kind of had a discussion
 3 about -- you know, I asked if Matt had said
 4 anything to him, because Matt would have heard
 5 something before we did. So I asked if Matt had
 6 said anything, and he said that Matt had not
 7 been to work the day before or that day and so
 8 he had not -- Matt had not said anything. So I
 9 mentioned about what our practice is of a
 10 positive result being termination or actually
 11 that was considered the pre-hire so, you know,
 12 just -- we wouldn't have hired him, and I said
 13 but let me talk to Bryan Willert. And the
 14 reason I said that is because it has been
 15 practice almost from the time that I got here,
 16 that anytime that we're doing a termination that
 17 Bryan wants to know before it happens. So
 18 that's just standard practice. The only time
 19 that we don't have to let him know -- actually,
 20 no. There's no time. We have to let him know,
 21 regardless of the reason. If he's on vacation,
 22 we still have to get ahold of him. So I needed
 23 to discuss it with Bryan and said that we would
 24 talk after I was able to talk with Bryan.

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1 Q. You did speak with Bryan?
 2 A. Yes.
 3 Q. And what did you tell Bryan?
 4 A. I told him what Jack had told me.
 5 I actually printed out the result and took it
 6 into Bryan. Again, that would have been kind of
 7 a normal thing. And, you know, at that point in
 8 time it just -- anytime that something --
 9 regardless of what it is, if it's something that
 10 we don't want to happen, then Bryan and I are
 11 both kind of like, uh, why, kind of thing. And
 12 so, you know, I mentioned about what our policy
 13 is and, again, it kind of came up of, well, why
 14 was this not done ahead of time and -- you know,
 15 an oversight, and so I, you know, made him aware
 16 of that and, you know, reminded him, hey, this
 17 is -- we would not have hired him if we'd known
 18 about a positive test. And he said it -- at
 19 that point he said that -- he goes, well, we
 20 need to follow practice. You know, Matt had
 21 only been with us, I think at that point, two
 22 weeks, somewhere around there. He said that
 23 there had been some other issues as well. And
 24 so because of everything and the fact that he is

13 (Pages 49 to 52)

TAMMY GILLETTE

<p style="text-align: right;">Page 53</p> <p>1 a new hire, that we would go ahead and terminate 2 him.</p> <p>3 Q. Did you or Bryan, at that point, 4 inquire as to why Mr. Reynolds had failed the 5 drug test?</p> <p>6 A. I never do. It's -- there's a 7 standard practice for drug testing, and I don't 8 inquire why somebody fails. That's already been 9 done.</p> <p>10 Q. What is that standard practice 11 for drug testing?</p> <p>12 A. So when someone takes a drug 13 test -- if I were to go take a drug test, when I 14 get there, they're going to ask me if there's 15 any type of prescription that I'm on. So, for 16 instance, I'm on thyroid medication, so I would 17 indicate, hey, I take thyroid medication, here's 18 my dosage and, you know, I would do that even if 19 it's, you know, something that's over the 20 counter, cranberries, for instance, vitamin D, 21 those sorts of things. They ask you what it is 22 that you're taking and if you have a 23 prescription. And then you provide your sample 24 and that's pretty much it for the drug test at</p>	<p style="text-align: right;">Page 54</p> <p>1 that point in time. We always ask for a split 2 specimen to be done, which means they split it 3 in half, they test half of it and hold onto the 4 other half. So if somebody comes up positive, 5 then the split specimen, because this is just 6 going to be a rapid, so kind of dip test, so to 7 speak, if it comes up positive for anything, 8 then it is sent off for further evaluation.</p> <p>9 Depending upon the agencies, some agencies will 10 send the notice to the company stating that it 11 has been sent out for further testing because 12 that explains why you don't have the initial 13 results. Not all companies do that. When it 14 goes out for further testing, it's not just 15 another dip test, but there is further -- I 16 don't know what all is involved, but I know that 17 there's more testing if they're involved in the 18 process.</p> <p>19 In addition to just the testing 20 of the specimen, itself, the medical review 21 officer actually will have a conversation with 22 that person. And -- so in my instance, they 23 would say, you know, you identified that you 24 take thyroid medication. You know, do you take</p>
<p style="text-align: right;">Page 55</p> <p>1 anything else, you came up positive for 2 marijuana so, you know, we're looking for any 3 reason why you might have this positive result. 4 And that could be any type of medication. They 5 would ask me what I had eaten recently because 6 sometimes that can produce -- that can impact 7 the test. So the medical review officer's 8 actually looking for any reason to validate why 9 the result would be positive, and you'd have 10 that conversation if there was something that I 11 had a prescription for. So let's just say that 12 I had dental work and been given a prescription 13 and that's why I turned up positive for 14 something. They would want to have a copy of 15 that prescription to prove that it's actually my 16 prescription and not someone else's and to prove 17 that it's current so the prescription, you know, 18 for whatever it is I'm taking is not 19 three-years-old. Once they would receive any 20 validation, then my experience has been at that 21 point in time if there's a reason why this 22 person tested positive, then the company at that 23 point in time receives a negative result. If 24 there is no validation as to why it is legally</p>	<p style="text-align: right;">Page 56</p> <p>1 okay, then the company receives the positive 2 results, but that is after all of that has 3 happened with the medical review officer. And 4 so the final results don't come specifically 5 from the agency who did it but the final results 6 come from the medical review officer.</p> <p>7 Q. And you are not -- you, yourself, 8 are not a medical review officer?</p> <p>9 A. No. Oh, God. No.</p> <p>10 Q. And you are not a toxicologist?</p> <p>11 A. Oh, correct.</p> <p>12 Q. And you do not work for Pottstown 13 Hospital?</p> <p>14 A. No.</p> <p>15 Q. So fair to say you don't know -- 16 you don't have any firsthand knowledge of how 17 Pottstown Hospital handles their drug test?</p> <p>18 MS. FICARO: Objection to form. 19 THE WITNESS: Am I okay to 20 answer?</p> <p>21 MS. FICARO: You can answer. 22 THE WITNESS: Okay. I don't 23 specifically know how Pottstown handles it, but 24 I know from all the places that I have worked,</p>

14 (Pages 53 to 56)

TAMMY GILLETTE

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1 using different places for testing, the testing
2 procedures are the same.

3 **BY MR. AUERBACH:**

4 Q. And in your experience, when
5 someone is given a drug test which includes a
6 battery for methamphetamine, if that person is
7 on a stimulant ADD medication, will they test
8 positive or not for methamphetamine?

9 A. I don't know. I don't know how
10 any specific drug is going to show up in a drug
11 test. I'm not a doctor.

12 Q. In your experience, if someone
13 has a prescription for some kind of
14 methamphetamine drug and shows the medical
15 review officer the valid prescription, will
16 their drug results indicate a positive or a
17 negative?

18 **MS. FICARO: Objection to the**
19 **form. You can answer.**

20 **THE WITNESS: To my knowledge, if**
21 **there is a legal reason for them to be taking**
22 **any medication that is current, we would receive**
23 **a negative.**

24 **BY MR. AUERBACH:**

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1 Q. And that would be for an FDA
2 approved federally licensed medication?

3 **MS. FICARO: Objection to form.**
4 **You can answer.**

5 **THE WITNESS: I guess. I say it**
6 **that way because -- you know, let's say for**
7 **instance -- I don't know -- if I drank -- and I**
8 **don't know if this happened or not. We'll be**
9 **clear about that. But if I'm drinking lots of**
10 **sports drinks that's not FDA approved and I**
11 **don't know if it shows up in your blood, but if**
12 **it did, you know, I -- yeah, I don't know how to**
13 **answer that then, so --**

14 **BY MR. AUERBACH:**

15 Q. What is -- what is your knowledge
16 of Pottstown Hospital's procedures when an
17 individual presents a medical marijuana card?

18 A. I don't have that knowledge.

19 Q. So you don't know whether or not
20 an individual who submits to a test who is a
21 medical marijuana patient presents the card if
22 the results would come back positive or
23 negative?

24 A. That has -- any testing needs to

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1 be authorized by somebody local. And prior to
2 the acquisition, they had somebody who is
3 already established as the contact with
4 Pottstown, and so they had -- they had those
5 procedures on hand.

6 Q. Would that have been Dave Furno?

7 A. Furno, yes.

8 Q. When you look at a drug test, are
9 you able to determine whether or not an
10 individual is a medical marijuana patient?

11 A. No. I should never know that
12 from the drug results that I'm given. The only
13 reason I would know that is if that person who
14 took the drug test told me.

15 Q. Okay. Now, you were told that
16 Mr. Reynolds was a medical marijuana patient;
17 were you not?

18 A. After he was terminated.

19 Q. Who told you this?

20 A. When Mr. Reynolds was terminated,
21 he informed Mr. Bonsky.

22 Q. How do you know he told
23 Mr. Bonsky?

24 A. Because after the conversation

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1 that the two of them had, Mr. Bonsky called me
2 up and said here is what Mr. Reynolds told me.
3 He told me he is a medical marijuana user.

4 Q. And what did you do with that
5 information?

6 A. I asked if he knew that ahead of
7 time or if anybody knew that ahead of time, and
8 he said no, no one was told.

9 Q. But you were told right then and
10 there?

11 A. After he was terminated, yes.

12 Q. Was there anything stopping you
13 from revoking the termination?

14 A. No, because that was not --
15 that's what brought everything to a head, but
16 that was not the only item of consideration that
17 led to the termination.

18 Q. What other items led to the
19 termination?

20 A. Well, from my understanding --
21 actually, what I knew was there had been some
22 attendance issues with Mr. Reynolds, either
23 arriving late or not arriving at all, taking
24 items home with him that he was not supposed to

15 (Pages 57 to 60)

TAMMY GILLETTE

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1 take with him and there was an item that -- I
 2 don't know the specific circumstances -- but he
 3 either took something home or had something that
 4 was going to be needed at the plant and he
 5 didn't drop it off until after the shift was
 6 over and, you know, he said he wouldn't be
 7 there. He acknowledged that he had whatever it
 8 was that was needed and said he would drop it
 9 off sometime and it wasn't dropped off until
 10 later. Those are the issues that I was made
 11 aware of. I know that Mr. Bonsky and
 12 Mr. Willert actually had other conversations
 13 about other issues that I don't -- I don't know
 14 the specifics of those and so I'm not going to
 15 speak to those.

16 Q. And obviously you don't have
 17 firsthand knowledge of Mr. Reynolds' attendance
 18 issues or him taking anything home; you've only
 19 just been told this by other people?

20 A. I've seen e-mails that
 21 Mr. Reynolds sent.

22 Q. And did you become aware of these
 23 attendance issues before you found out that he
 24 had failed his drug test?

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1 attendance issues. When we're terminating
 2 somebody as a new hire, typically I do not
 3 include all the reasons in the termination
 4 letter, but we state that we are terminating
 5 them effective today, which is September 3rd,
 6 then here's what's going to happen. So the fact
 7 that we only stated the drug test, he already
 8 knew the results of the drug test. It was -- it
 9 was a positive result. And so to list the other
 10 reason, in our opinion, wasn't necessary.

11 Q. Had he not failed the drug test,
 12 would you have fired him November 5, 2020?

13 A. I don't know. The reason that I
 14 say that is because you put in there -- in your
 15 question November 5th, and I know that there
 16 were issues. Would a termination have happened
 17 on November 5th, would it have happened November
 18 6th, the next week -- I'm not sure, but I do
 19 know that because of the issues, it would have
 20 led to termination.

21 Q. But you would agree with me that
 22 before he became aware that he failed the drug
 23 test you were not planning on firing him?

24 A. I know the word termination had

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1 A. I honestly don't remember what
 2 the order was. I don't recall.

3 Q. You drafted Mr. Reynolds'
 4 termination letter; did you not?

5 A. Yes, I did.

6 Q. Any reason why it didn't include
 7 the attendance issues or the taking items home
 8 with him in your letter?

9 A. Our practice at Willert is that
 10 all employees -- I don't care what your position
 11 is -- but all employees are brought in, I guess
 12 you could say, on a probation. I don't know if
 13 it's ever worded that way with somebody other
 14 than in our union contract, but attendance --
 15 what it says -- and I don't even know how many
 16 times I have said this -- but attendance is the
 17 biggest reason why people are not kept as a new
 18 hire. When you are having attendance issues
 19 within your first month, those are red -- that's
 20 a huge red flag. And I did not have every
 21 instance of exactly what time he arrived. I
 22 mean, he didn't clock in, so I couldn't tell you
 23 what time he got there or what time he left, any
 24 of those things. I did know that there were

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1 not been mentioned, but typically the first
 2 conversation that I have about a new employee
 3 who has issues that first conversation is not,
 4 well, are we terminating. That's never the
 5 first conversation.

6 Q. Did anyone at Willert ask to see
 7 Mr. Reynolds' marijuana card?

8 A. I don't know.

9 Q. Did you tell Mr. Bonsky to ask
 10 for it?

11 A. I asked him if Matt had ever
 12 shown anyone. So this was the day of the --
 13 sorry about that -- after Jack's conversation
 14 with Mr. Reynolds of the termination when the
 15 medical marijuana was mentioned. Again, I asked
 16 Jack if he ever told anybody, if anybody had
 17 ever seen it, if there was any knowledge, and
 18 nothing. Nothing had ever happened up until
 19 that point.

20 Q. Was there anything stopping you
 21 from asking Mr. Bonsky to get a copy of it?

22 A. At that point, because -- the
 23 short answer is no, and that's because the --

24 Q. Would it --

16 (Pages 61 to 64)

TAMMY GILLETTE

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1 **MS. FICARO:** Excuse me, Steve.
 2 She's not finished her answer.
 3 **BY MR. AUERBACH:**
 4 Q. Please. You can answer.
 5 A. Because the positive result was
 6 not the only reason for the termination, showing
 7 us the medical marijuana license would not have
 8 changed his being terminated.
 9 Q. What were his attendance issues?
 10 A. He would be arriving late or not
 11 at all or even just I might be there, which --
 12 you know, if someone is, let's just say, having
 13 some car issues and you're like, hey, I'm going
 14 to be late, I'm not sure, I'm waiting for the
 15 tow truck, I'll be in after that, that's -- you
 16 know, I totally get that. But then he was also
 17 not -- so he wasn't at the facility, but he also
 18 was not responding to any e-mails or phone calls
 19 and he's got people who are waiting for
 20 direction or waiting for answers, and they're
 21 not being given the information that they need.
 22 So if you're, in my example, waiting on a tow
 23 truck, what's to stop you from responding to a
 24 call or responding to an e-mail.

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1 what was going on. Or if this is a Wednesday --
 2 today's Thursday, so wait a minute. Yesterday I
 3 know they were having problems with this, so I
 4 need to make sure that I'm there at whatever
 5 time so that if those problems start happening I
 6 can address them. He's the maintenance manager,
 7 so it's his responsibility to know what he needs
 8 to be there for. So, yes, he would set his own
 9 schedule, but to just willy-nilly kind of show
 10 up whenever and not respond and take no
 11 responsibility for the people who are waiting
 12 for information -- if I did that, I know people
 13 would have a problem with that.
 14 **BY MR. AUERBACH:**
 15 Q. Mr. Reynolds was overtime exempt;
 16 was he not?
 17 A. Yes, he was.
 18 Q. You say that very quickly.
 19 What makes you say that?
 20 A. I'm the one who put his offer
 21 letter together.
 22 Q. And on what basis did you say he
 23 was exempt from overtime?
 24 A. Because he had people reporting

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1 Q. On how many occasions was
 2 Mr. Reynolds late?
 3 A. I can think of twice. I'm not
 4 sure if there were others.
 5 Q. Are you aware that Mr. Bonsky
 6 didn't give Mr. Reynolds a set schedule?
 7 **MS. FICARO:** Objection to form.
 8 You can answer.
 9 **THE WITNESS:** Mr. Reynolds was a
 10 salaried individual, such as myself, and so I'll
 11 speak to my schedule, because his would be
 12 similar. No one tells me that I have to be in
 13 the office at a certain point in time, but I
 14 know what is going on. I know if there's
 15 something -- okay. Well, I have orientation and
 16 they're going to be there at 7:00 and so I need
 17 to make sure that I'm there by 7:00 so that --
 18 or before then, actually, so that I can be there
 19 when they arrive. Mr. Reynolds' responsibility
 20 was to the men who reported to him. And if he
 21 is not going to be there when he's needed, then
 22 he needs to make sure that he is accessible. So
 23 he may not have been told, oh, you have to be
 24 here at 6:47, but Mr. Reynolds would have known

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1 to him, he had decisions that had to be made
 2 about are we going to make changes, do we need
 3 to order parts, how much do we need to spend, so
 4 we had a budget that he was responsible for.
 5 Yes, he's going to be speaking with Mr. Bonsky
 6 and with Bryan Willert about these items as
 7 well, but ultimately it's his responsibility to
 8 go to them and say, all right. Here's what
 9 changes we need to make. And because of all the
 10 responsibilities that he had, he is overtime
 11 exempt.
 12 Q. That's because he's a manager?
 13 A. He's a manager with a lot of
 14 responsibility, yes.
 15 Q. So his job was not to turn a
 16 wrench; he was just to manage the people who
 17 turn a wrench?
 18 **MS. FICARO:** Objection to form.
 19 You can answer.
 20 **THE WITNESS:** I will put him in a
 21 similar position to somebody that we have here
 22 in St. Louis now. Although Mr. Reynolds would
 23 have had even more responsibility than what the
 24 gentleman here in St. Louis does, he is

17 (Pages 65 to 68)

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1 directing our maintenance guys. Hey, I need
 2 this, I need that, but he is also right there
 3 with our maintenance guys and he is assisting
 4 because there are many times -- to be able to
 5 know what needs to be done. Do we need to just
 6 change out the screw or do we need to order 10
 7 different parts in order to make the change.
 8 You know what, our plant here, Para, is a
 9 chemical that we use, Paradichlorobenzene is the
 10 official name, and there are some issues when
 11 you have heat and humidity. So it is this
 12 gentleman's responsibility when we start having
 13 some issues to say here's the changes that we
 14 need to make in order to work around those
 15 issues. And many times you're going to do that
 16 because you're actually in there doing this and
 17 Mr. Reynolds would have had this same
 18 responsibility. He would have been in close
 19 proximity, he would have been right there on the
 20 equipment with the maintenance guy looking to
 21 see what works, trying to figure things out.
 22 And the only way that he's going to be able to
 23 talk to a manufacturer or whoever it is about
 24 parts is if he knows how everything is running,

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1 and the best way to do that is to get in there
 2 and use your hands on that piece of equipment.
 3 So he may not have been working on the equipment
 4 -- or wait a minute. His responsibility did not
 5 include working on the equipment as much as the
 6 men who reported to him, but that would have
 7 been critical to his success on that job.

8 BY MR. AUERBACH:

9 Q. Ms. Gillette, I'm not even going
 10 to attempt to pronounce that chemical, but do
 11 you have any firsthand knowledge as to whether
 12 or not that chemical is at Douglassville?

13 A. I do not believe that it is.
 14 That does not mean that Mr. Reynolds does not
 15 need to know the equipment, because Para is not
 16 the only chemical that is used here. And the
 17 gentleman I spoke to here doesn't have to know
 18 just the lines that used Para. He has to know
 19 every line that we've got here. Mr. Reynolds
 20 would have had the same responsibility.

21 Q. All right. You had said that you
 22 were the one who put Mr. Reynolds' offer letter
 23 together.

24 A. Yes.

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1 Q. Was it your understanding that
 2 Mr. Reynolds had a base salary of \$85,000 a
 3 year?

4 A. It's been a long time since I put
 5 that offer letter together, but if that's what
 6 you're telling me was in the letter, then I'll
 7 say yes.

8 Q. And he had a potential bonus of
 9 \$15,000 a year as well?

10 A. Potential, yes.

11 Q. And he had other benefits as
 12 well, like a 401K?

13 A. As does everyone.

14 Q. Okay. What other benefits would
 15 he have had?

16 A. Well, to go back to the one that
 17 you've already mentioned -- what we say for
 18 anybody who is offered a bonus is that it is
 19 only after the successful completion of -- and
 20 then it will say -- sometimes it says a certain
 21 length of time, but it always talks about
 22 successful completion. So it's not -- bonuses
 23 are never guaranteed, without a doubt you're
 24 going to get it. The 401K, you mentioned that.

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1 There are two criteria in order to be eligible
 2 to participate. You have to have worked 480
 3 hours. And once you've worked that, you are
 4 able to contribute at the beginning of the next
 5 quarter. So if Mr. Reynolds started in October,
 6 he may not have been eligible until April. Just
 7 depends on what the timing would have been, and
 8 that would have been April the following year.
 9 But it's not a required, and it's not anything
 10 that automatically happened. So whether or not
 11 Mr. Reynolds would have participated or
 12 contributed was entirely up to him, and we did
 13 not have any paperwork yet on that. We have
 14 medical and vision benefits which go into effect
 15 after 60 calendar days. I believe Mr. Reynolds
 16 started in October, which means that his
 17 insurance would have gone into effect sometime
 18 in December. Usually ends up being almost two
 19 months to the day. There is short-term
 20 disability that goes into effect after
 21 completing six months of employment, but that's
 22 only if you're out for your own medical reason,
 23 and that's it. Long-term disability would not
 24 have gone into effect as of yet either. And the

18 (Pages 69 to 72)

TAMMY GILLETTE

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1 company-paid life insurance goes into effect --
 2 his actually would have gone into effect on
 3 January 1st, because you have to be eligible for
 4 the medical insurance, then it goes into effect
 5 the first of the month after. He was also
 6 granted vacation. I believe that he was given
 7 four weeks vacation, which is outside of the
 8 norm. Normal is to start somebody out with two
 9 or three weeks. Those are the -- oh, we of
 10 course have holidays. I don't know if you
 11 consider that necessarily benefits, but we've
 12 got 10 paid holidays, so --

13 MR. AUERBACH: That is everything
 14 I have for you.

15 * * * * *

16 (Whereupon, at 1:03 p.m., the
 17 deposition of TAMMY GILLETTE
 18 was concluded.)

19 * * * * *

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1 Please read your deposition
 2 over carefully and make any necessary
 3 corrections. You should state the reason in the
 4 appropriate space on the errata sheet for any
 5 corrections that are made.

6 After doing so, please sign the
 7 errata sheet and date it.

8 You are signing same subject to
 9 the changes you have noted on the errata sheet,
 10 which will be attached to your deposition.

11 It is imperative that you
 12 return the original errata sheet to the deposing
 13 attorney within thirty (30) days of receipt of
 14 the deposition transcript by you. If you fail
 15 to do so, the deposition transcript may be
 16 deemed to be accurate and may be used in court.

17
18
19
20
21
22
23
24

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1 C E R T I F I C A T E

2 COMMONWEALTH OF PENNSYLVANIA:

3 COUNTY OF PHILADELPHIA:

4
 5 I, Masheka Pettiford, a Notary Public within
 6 and for the County and State aforesaid, do
 7 hereby certify that the foregoing deposition of
 8 TAMMY GILLETTE, was taken before me, pursuant to
 9 notice, at the time and place indicated; that
 10 said deponent was by me duly sworn to tell the
 11 truth, the whole truth, and nothing but the
 12 truth; that the testimony of said deponent was
 13 correctly recorded in machine shorthand by me
 14 and thereafter transcribed under my supervision
 15 with computer-aided transcription; that the
 16 deposition is a true record of the testimony
 17 given by the witness; and that I am neither of
 18 counsel nor kin to any party in said action, nor
 19 interested in the outcome thereof.

20
 21 WITNESS my hand and official of this 7th day
 22 of September, 2021.

23
 24 MASHEKA C. PETTIFORD
 Notary Public

INSTRUCTIONS TO WITNESS

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 2 E R R A T A
 3 -----
 4 PAGE LINE CHANGE

5 -----
 6 Reason for Change: _____
 7 -----
 8 Reason for Change: _____
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19 (Pages 73 to 76)

TAMMY GILLETTE

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1 ACKNOWLEDGMENT OF DEPONENT
 2 I, _____, do hereby
 3 certify that I have read the foregoing pages, __
 4 _____ and that the same is a correct
 5 transcription of the answers given by me to the
 6 questions therein propounded, except for the
 7 corrections or changes in form or substance, if
 8 any, noted in the attached Errata Sheet.

9 _____
 10 DATE SIGNATURE

11
 12 Subscribed and sworn to before me this
 13 _____ day of _____ ,
 14 202__ .
 15 My commission expires: _____
 16

17 _____
 18 Notary Public
 19
 20
 21
 22
 23
 24

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BISNOW & JOSEPH
 COURT REPORTING

TAMMY GILLETTE

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